

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALBERTO MARTINEZ-NIETO,

Petitioner,

v.

CLAIRE DOLL,

Respondent.

No. 4:17-CV-01181

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

MAY 10, 2019

Alberto Martinez-Nieto filed this 28 U.S.C. § 2241 petition seeking a bond hearing in light of his prolonged detention in custody pending the outcome of his immigration removal proceedings.¹ Respondent filed a notice with the Court stating that Martinez-Nieto has been given a bond hearing in accordance with *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208 (3d Cir. 2018).² On March 26, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court deny as moot Martinez-Nieto's petition, as he has received his requested relief.³ No timely objections were filed to this Report and Recommendation.

¹ Docs. 1, 7.

² Doc. 9.

³ Doc. 10.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁴ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁵ After reviewing the record, the Court finds no clear error in Magistrate Judge Carlson’s conclusion that Martinez-Nieto’s petition was mooted as a consequence of the bond hearing that he was provided. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 10) is **ADOPTED**;
2. Martinez-Nieto’s 28 U.S.C. § 2241 petition (Doc. 1) is **DENIED** as moot, and without prejudice to Martinez-Nieto’s right to file a separate action challenging the immigration judge’s bond determination; and
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.